

DEC-06-00 WED 11:10 AM HARRISBURG

FAX NO. 917172213959

P. 02

(2)  
12/6/00  
smIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VICTOR GONZALES,

Petitioner

v.

BENJAMIN VARNER, ET AL.,

Respondents

: CIVIL ACTION NO. 1:CV-00-2061

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(Judge Rambo)

FILED  
HARRISBURG, PAO R D E R

DEC 06 2000

MARY E. D'ANDREA, CLERK  
Per [Signature]  
Deputy Clerk

## IT IS HEREBY ORDERED THAT:

1. The Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the Pennsylvania Board of Probation and Parole.

2. Within twenty (20) days of the date of this order, Respondents shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing § 2254 Cases in the United States Courts, the answer shall:

- (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented;
- (b) be accompanied by those portions of any transcripts the Respondents deem relevant to disposing of the claims raised in the petition;

DEC-06-00 WED 11:10 AM HARRISBURG

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P. 03

(c) indicate what other proceedings that might be relevant to the petition which have been recorded but are not yet transcribed;

(d) be accompanied by copies of any of the Petitioner's briefs on appeal and copies of any opinions of the appellate courts in those proceedings.

3. Respondents shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

4. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondents' filings.

5. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondents' answer and memorandum of law, and, if any, the Petitioner's reply.

Dated: December 6, 2000.

SR:jvw

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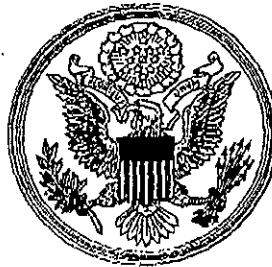
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P. 01

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

CLERK'S OFFICE  
HARRISBURG DIVISION

Mary D'Andrea, Clerk



TO: Clerk's Office

FROM: Mark

COMMENTS: Service order, file with  
Jane Van Wie. Not docketed, original  
to be sent in today's mail

THIS FACSIMILE CONTAINS A TOTAL OF 3 PAGES INCLUDING THIS SHEET.

PLEASE CALL IF THIS FAX IS  
INCOMPLETE.

PHONE NUMBER: (717) 221-3920

FAX NUMBER: (717) 221-3959

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG, PENNSYLVANIA 17108

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

December 6, 2000

Re: 1:00-cv-02061 Gonzales v. Varner

True and correct copies of the attached were mailed by the clerk  
to the following:

Victor Gonzales  
SCI-D  
SCI at Dallas  
AS-1650  
Drawer K - Follies Rd.  
Dallas, PA 18612-0286

cc:	
Judge	( )
Magistrate Judge	( )
U.S. Marshal	( )
Probation	( )
U.S. Attorney	( )
Atty. for Deft.	( )
Defendant	( )
Warden	( )
Bureau of Prisons	( )
Ct Reporter	( )
Ctroom Deputy	( )
Orig-Security	( )
Federal Public Defender	( )
Summons Issued	( ) with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )
Order to Show Cause	(X) with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen (X) DA of County ( ) Respondents (X)
Bankruptcy Court	( )
Other	( )

MARY E. D'ANDREA, Clerk

DATE: 12/6/00

BY: [Signature]  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VICTOR GONZALES,	:	CIVIL ACTION NO. 1:CV-00-2061
	:	
Petitioner	:	
	:	
v.	:	
	:	
BENJAMIN VARNER, <u>ET AL.</u> ,	:	(Judge Rambo)
	:	
Respondents	:	

**FILED**  
HARRISBURG, PA

O R D E R

DEC 06 2000

MARY E. D'ANDREA, CLERK  
Per *[Signature]*  
Deputy Clerk

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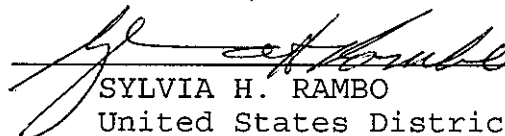
- (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented;
- (b) be accompanied by those portions of any transcripts the Respondents deem relevant to disposing of the claims raised in the petition;

- (c) indicate what other proceedings that might be relevant to the petition which have been recorded but are not yet transcribed;
- (d) be accompanied by copies of any of the Petitioner's briefs on appeal and copies of any opinions of the appellate courts in those proceedings.

3. Respondents shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

4. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondents' filings.

5. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondents' answer and memorandum of law, and, if any, the Petitioner's reply.

  
SYLVIA H. RAMBO  
United States District Judge

Dated: December 6, 2000.

SR:jvw